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CHARLES ELMORE CROPLEY
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No. 257

In the Supreme Court of the United States

OCTOBER TERM, 1940

JAY C. HUBMEL, PETITIONER

v.

GUY T. HELVERING, COMMISSIONER OF INTERNAL REVENUE

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT

MEMORANDUM FOR THE RESPONDENT

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We do not oppose the granting of a writ of certiorari in this case.

The taxpayer created three trusts, naming himself and another as trustees with substantial powers of control over the trust properties. The income up to a certain amount was payable to his wife for the benefit of their minor children. Excess income was to be paid to the grantor. Each trust was to terminate after three years or upon earlier death of either of the beneficaries (child or grantor) and upon such termination the corpus was to go to the taxpayer or his estate. The Commis-

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